

HER STORY IS STILL HELD UP

EVELYN THAW MAY BE ALLOWED TO TESTIFY TO-DAY

As to whether Harry Thaw threatened to kill her—Talk of Revelations from the Thaw Side—Evidence That Thaw Supports Her—His Jail Life.

WHITE PLAINS, July 14.—Evelyn Nesbit Thaw and Daniel O'Reilly were on hand to testify to-day in the inquiry as to the present mental condition of Harry K. Thaw. Both of them returned to New York without being called to the witness stand.

In conversation O'Reilly said that he was counsel for both Harry Thaw and his wife at the time when he alleged Thaw threatened to kill her if he could get out of the madhouse. This would bar out Mrs. Thaw's testimony regarding the conversation of Thaw and his wife in the Matteawan asylum, as Justice Mills has held that the lawyer, having been present in a confidential capacity, could not disclose their secrets on the witness stand.

As Thaw's fate is believed to hang largely on the testimony of his wife the situation looked very promising for him until the lawyers representing the State unearthed a decision of the Appellate Division of the Supreme Court in which it was held that in a civil proceeding where a husband makes threats against a wife or a wife against a husband their testimony is competent and admissible. This decision was given in the case of Mills-Parsons vs. Potter, 22 Appellate Division, State of New York, page 521, and has never been reversed. Justice Mills said that he would consider the point, and he directed the lawyers to be ready to argue it before him preceding the taking of testimony to-morrow morning.

District Attorney Mack of Dutchess said: "I am confident the decision will permit the testimony of Evelyn Nesbit Thaw and that the contention that Mr. Morschauer, the conversation at the Matteawan asylum was a confidential communication between husband and wife will not hold good. The law was never intended to protect a threat."

The lawyers for the State expect to put Evelyn Thaw on the stand to-morrow morning to testify as to threats alleged to have been made by her husband against her. Mr. Morschauer, counsel for Thaw, says that if young Mrs. Thaw testifies against her husband he will produce witnesses to prove that she has said that she will keep Harry in the madhouse as long as she is possible. Mr. Morschauer also says that her testimony will not hurt her husband's case because she has on several occasions testified that she considered him sane.

Mr. Morschauer also threatened to bring out matters which she said would not please Evelyn Thaw if she saw them in print. To disprove her statement that her husband no longer supported her he put a witness on the stand who testified that Thaw was still paying her \$70 a week with an additional \$200 on the first of each month. This witness was Dr. Valdemar Sillo, a physician at Harry Thaw. He testified that he receives the checks from Mr. Morschauer and turns them over to Evelyn Thaw. Mr. Morschauer said that the reason why Thaw did not give his wife the \$500 in a lump every month was that she would be in a few days for more.

Dr. Sillo's relations with Thaw at first were those of a physician, but later on they grew more confidential. The doctor testified that one day while he was paying a professional visit to Thaw at the Poughkeepsie jail the patient said that it was very wrong for his wife to keep him so much in the public eye.

Mr. Morschauer then asked Thaw, according to the doctor, "I have done all I can to stop it." The doctor said that Thaw spoke of the episode at the Knickerbocker Hotel over which his wife had threatened to sue the management for being ejected from the dining room, and said that it was very painful to him.

Mr. Morschauer asked Dr. Sillo if he knew whether Evelyn Thaw had been receiving money from her husband for her support and he said: "Yes, \$70 a week and \$200 additional a month." The doctor said that the checks were made out to Evelyn Thaw and that he forwarded them to Mr. Morschauer. Mr. Morschauer desired to prove that Harry was sending his wife money every week to aid in her support to refute the statement made by her on the witness stand yesterday that Mr. Morschauer ceased referring to him as a client and called him "my associate."

Evelyn Thaw did not show her face in the courtroom, but sat nearly all the afternoon in the District Attorney's office, which was besieged by a large crowd of sightseers. In the extreme South room. Occasionally she ventured out to pose for the newspaper photographers. She was escorted to the 5:40 train for New York by a reporter and a body of men.

One of the most deeply absorbed spectators in the courtroom to-day was a woman past 80, with a face wrinkled with age. She waited until she heard the court officer say that she would have to hurry home to get dinner for her "old man." But, she added, if that Evelyn comes in on a telephone call, I will be there.

Perhaps the most interesting testimony of the day was that which showed what an easy time Thaw had in the Poughkeepsie jail. The sheriff, Robert Chanler was traveling in Europe and the undersheriff was in charge. At this time Thaw's bodyguard was William A. McCabe, former chief of police of Poughkeepsie and widely known in baseball circles. The ex-chief was called to testify for Thaw, but when District Attorney Mack got hold of him on the cross-examination he brought out information which showed why the prisoner had such a preference for the Dutchess county jail.

Thaw's daily routine at the jail was, according to this witness, similar to that of a comfortable man of affairs. He rose at a comfortable hour, donned his robe and took a bath. After this he shaved himself with the aid of the assistance of his barber, who lathered his face and got some powder and a brush for him to clean his teeth. Then, after reading the morning paper, he took his breakfast, which was served to him in the sheriff's private room. After breakfast Thaw opened his mail, received calls, answered letters and wrote on the stationery which he held numerous receipts with those who visited him individually or in bodies, such as the local baseball team and the college rowing team, who called to pay their respects, headed by the well known coach, Mr. Ten Eyck.

On one occasion Thaw said the witness, when Thaw was being taken away to a hearing he jumped on a trolley car and was half a block away before he discovered that his jailer was not with him. He was polite enough to get off again and go back to the place where they had been separated.

Ex-Chief McCabe expressed the opinion that Thaw was, in his judgment, not only perfectly sane but a gentleman. Thaw had a lot of other good witnesses, one of them being Dr. John A. C. O'Donnell, who testified that he had been in Poughkeepsie. Dr. Card also testified that the jail and on one occasion asked him

THE NEW WAY.

People used to go to law over their real estate troubles. Now a days, when we say the title is bad, the owner usually admits the fact and hires some one to correct it.

The new way saves much blood, also time and money. It is only one of the good things that the Title Guarantee and Trust Company has done.

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If he enjoyed motoring, Thaw smiled and said that he had not had much opportunity lately to do so. Dr. Card then suggested that he would see if he could not get the sheriff or some of his deputies to take him out for a ride in an auto. At this the witness said Dr. Card asked Thaw what his plans were for the future in case he was released, and he said that he had no definite plans in his mind. He was anxious to get into some business, the exact nature of which he was not sure of as yet. Later the doctor and Thaw were discussing the fact that a man in the jail who suffered from delirium tremens. Thaw said he had never been on a spree in his life, said the witness, "but that sometimes after dinner he might drink a great deal, but not often. But he never drank alone and never kept anything in his room to drink. Of course when he went out in company he drank what the other did but he was glad to say that he never had a craving for alcohol."

Thomas J. Ehlender, a dentist of Poughkeepsie, testified that when he went to the Matteawan asylum to see Thaw he took his wife to see the prisoner, as she was very much interested in the case. He first asked Thaw if he would like to meet her, and he said he would be delighted. The other witnesses were Dr. Card, physicians, keepers, stenographers and tradesmen who have had business with Thaw since he was committed to the Matteawan asylum and all agreed in judging from his acts and conversation they considered him rational. The lawyers for the State asked every witness the same question, "Did you ever see Thaw talk to them of the killing of Stanford White or about young girls being led astray? None of them had conversed with Thaw on this subject, as this was the only thing that his counsel had instructed him not to talk about."

There are so many ex-lawyers, ex-doctors and ex-tailors to Thaw that the suggestion has been made that there is an association and hold a reunion once a year, as they are all very much of the same mind, namely, that Thaw is not a sane fellow in every sense of the term but a model young man.

ROBBERS GO IN A LAUNCH.

Black Piratical Craft With No Sailing Lights Carries the Loot.

TARRYTOWN, July 14.—River pirates are at work along the Hudson, and early this morning they were on the banks, one at the home of Lincoln McCormick in Irvington and the other at the Ardley Club garage. The home of C. D. Fraser in Ardley was also broken into.

Lincoln McCormick, a New York lawyer, who has a country seat in Broadway, Irvington, was the first victim. The thieves ransacked his house from top to bottom and \$2,000 worth of silverware was taken. As no one was at home they had an easy time.

The next place visited was Mr. Fraser's home. The burglars were a little wary here and were frightened off before they could get anything. They went to the river and rowed out to their launch. They ran down to below the Ardley dock and there they broke into the garage of the Ardley Club, where they stole about \$500 worth of automobile tires. Returning to the boat they continued on down the river and made their escape.

A New York Central towerman stationed near Ardley saw the boat and said it had a black hull. Two workmen were on board, and he saw them this morning with two men in it, but not knowing of any robbery they did not pay particular notice to it.

The next place visited was the robbery in the home of Mrs. Aahel P. Fitch in the White Plains road. The police thought that river thieves are taking advantage of the opportunity of entering the homes of the wealthy in the section, knowing that the families have either gone to the mountains or the seashore. A visit from the black boat is expected to be made in the near future, as the boat is along the river and the chances of no lights it is easy for it to steal away.

HOTEL MAN HELD AS A FORGER.

George W. Clark, Well Known Up State, Arrested at the Grand Union.

George W. Clark, a former hotel keeper of Gloversville, N. Y., was held in the Tombs court yesterday upon a short affidavit charging forgery in the second degree. He will be detained forty-eight hours.

The complainant, Detective DeLoe of the detective bureau, said the person aggrieved is S. W. Mason, a window shade manufacturer of Syracuse. It is alleged that Clark gave a check for \$200 payable to bear his signature, when in fact another person signed Clark's name at his request. It is alleged also that Clark resisted collection on the ground that the signature was not his.

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Low pressure areas central north of the Dakotas, over Kansas and in the extreme South caused showers and unsettled conditions and thunderstorms in the central valleys yesterday. There were local rains also at some points on the Atlantic Coast, but no general storm. In the Northwest it was generally fair.

Somewhat lower temperatures prevailed in New York and south and southwestward into the Ohio valley. On the coast of New England and in South Dakota and Nebraska and Arizona it was warmer.

In the latter State, at Phoenix, 110 degrees was recorded. In this city the day was fair and a little cooler; wind light north to southeast; average humidity, 51 per cent; barometer, corrected to sea level, 30.1; at 10 A. M., 29.8; at 4 P. M., 29.2.

The temperature yesterday, as shown by the official thermometer, is shown in the annexed table:

1909. 1908. 1907. 1906. 1905.
7 A. M. 73° 78° 78° 8 P. M. 73° 78° 78°
12 P. M. 73° 78° 78° 1 P. M. 73° 78° 78°
4 P. M. 73° 78° 78° 5 P. M. 73° 78° 78°
Highest temperature, 84°; at 3 P. M. M.
WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW.

For eastern New York, the District of Columbia, eastern Pennsylvania, New Jersey, Delaware, Maryland, generally fair to-day; showers and much change in temperature; light to brisk winds.

For western New York, generally fair to-day and to-morrow; not much change in temperature; light variable winds.

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NEW PREMIER FOR GERMANY

BEHRMANN-HOLWEG SUCCEEDS VON BULOW AS CHANCELLOR.

Kaiser Decorates the Retiring Statesman and Writes a Letter of Thanks—Berlin Pleased at the Change—Imperial Conferences Before Open Windows.

Special Cable Dispatch to THE SUN.

BERLIN, July 14.—It is officially announced that the Kaiser has appointed Dr. von Behrman-Holweg Chancellor to succeed Prince von Bulow as Chancellor of the empire.

Prince von Bulow had his last audience as Chancellor with the Kaiser this morning at the palace. The Kaiser received the retiring Chancellor's resignation with expressions of regret and gave him many assurances of esteem and gratitude.

After Prince von Bulow's departure the Kaiser gave an audience to Dr. von Behrman-Holweg. It was announced later that Herr Delbrück succeeds Dr. von Behrman-Holweg as Minister of the Interior. Herr von Sydow succeeds Delbrück as Minister of Commerce. Herr Wermuth succeeds Herr von Sydow as Minister of Finance. Herr von Holle, Minister of Education, who resigned, is succeeded by Von Tred zu Solz, the president of the province of Brandenburg. Prince von Bulow's right hand man, Under Secretary von Lobell, has been nominated to succeed Zu Solz.

The Gazette announces that the Kaiser has conferred on Prince von Bulow the Order of the Black Eagle.

The appointment of Dr. von Behrman-Holweg as Chancellor is received with general satisfaction, although it is feared that he lacks experience in foreign affairs, and that his lack of diplomatic service. It is thought for this reason that he may throw this delicate part of the Chancellor's duties too much into the Kaiser's hands.

As the change in the Chancellorship is one of the most important political events that can occur in Germany it was natural that the people, and those in Berlin especially, should be thrown into great excitement. All forenoon the announcement of Prince von Bulow's successor was awaited.

Under-den-Linden and the principal streets were thronged with silent, expectant crowds until the word spread that the Kaiser's final act of settlement upon the question was actually being performed in full public view. The result was that those in the secret hastened to the square outside the palace, whence a view into the palace garden was obtainable.

The Kaiser could be seen in conversation, first with Prince von Bulow and then with Dr. von Behrman-Holweg. It was noticed that in his conversation with both the Kaiser used even more emphatic gestures than is usual with him.

Immediately after the official announcement special editions published the Kaiser's resignation and Dr. Behrman-Holweg's picture was mailed on all motor buses and taxicabs.

The Kaiser has written an autograph letter to Prince von Bulow. In complying with his request to be released from office William II. expresses "the most painful regret" for his determination to retire, adding:

"Hard as it is for me to give up your experienced aid in the conduct of the business of the empire and State and to sever the tie of trustful cooperation which has bound me to you for so many years, nevertheless, appreciating the weighty reasons for your resignation, I have come to the conclusion that I ought not to stand any longer in the way of your urgent wish."

"From the depth of my heart I express to you my warmest thanks for the devotion and self-sacrifice which have marked the distinguished service rendered by you to my predecessors and myself and to the fatherland in the manifold offices and positions you have held during your honorable and fruitful career. May the great grandeur of the activities of your strenuous life be followed by many years of undisturbed happiness."

Bernhard H. M. K. Prince von Bulow, has been a hard worker, devoting sixteen hours a day to labor and five hours to sleep. Before becoming Chancellor he served in various diplomatic posts at Berlin, London, Vienna, and Rome. He is about 60 years old. He has not been in good health for two or three years, and on one occasion he fainted upon concluding an audience in the Reichstag.

His father was the Imperial Secretary of State under Bismarck, and the younger Bulow received instruction during the early years of his diplomatic life from Bismarck. He was a close friend of Bismarck. He plunged enthusiastically into the Franco-Prussian War and won his epaulettes early. He started life poor, but his career was a success. He has enjoyed his career so pleased a rich Hamburg sugar merchant, Herr Godfrey, that he left Bulow a sufficiently large portion of his estate to make him a millionaire. He has a villa in Rome that was built for him at a cost of \$500,000.

One of his first acts after being made Chancellor was to cement the friendship between Germany and England. He said repeatedly that there should be friendship between Germany and England and that no European country was so important to Germany as England. He took the large portion of Germany's exports and which sent to Germany more of its products than did any other country. He was a big navy man, and during his Chancellorship the German navy grew from a comparatively small one to be the important naval factor that it now is and is becoming. He declared, however, that the navy was not an aggressive purpose—a statement he never able to make the English believe. The French have been less openly sceptical in this regard than the English. He said that the navy was for protection. Bulow also declared when the growing navy was criticized that Germany had no notion of seizing South America. He had the aid of his friends and was sufficiently bold in the Kiau-chow and Morocco incidents.

The Kaiser's Chancellor is just 60 years old. He became Chancellor on October 17, 1900, succeeding Prince Hohenlohe-Schillingsfurst. The romance of his life centered in his employment with the Countess Dönhoff, who had been the wife of a chief in the diplomatic service. She is an Italian lady of the princely house of Dönhoff, hence perhaps the explanation of the houses in Rome. The marriage took place in 1886. The lady, then 38 years old, was considered one of the most beautiful women at the German court.

Dr. Theodor von Bulow, who is 53 years old, was a college friend of the Kaiser's—they belonged to the same fraternity—and he has been one of the Kaiser's advisers ever since their manhood days began. The doctor entered public life early and before he was 30 he had been made Governor of Ober-Berlin. He was Provincial President of Pomerania and there saw much of the Emperor. He next served as President of the government of Bromberg, Prussia, and was later Minister of the Interior.

While Secretary of the Interior he has served as Vice-Chancellor under Prince von Bulow.

He is a mild Conservative in politics, but as a minister of the Crown he has always held the ground that in administrative functions he must be non-partisan.

CUBA RESENTS TUTELAGE.

Trouble Over Retention of Cienfuegos Water Works Engineer.

Special Cable Dispatch to THE SUN.

HAVANA, July 14.—Although the secretary of President Gomez flatly denied the report that Minister Morgan insisted upon the retention of James Page as engineer of the water supply and sewerage at Cienfuegos, the statement as copied here is confirmed in every detail. Reilly, the contractor for the work at Cienfuegos, acting with Lagueruela, is said to be desirous of ousting Page.

Mr. Morgan admonished Lagueruela that the Magoon decree formulating the contract provides that the engineer appointed shall remain until the completion of the work unless he is removed by the Executive for cause after a public hearing. The matter can now only be settled by President Gomez "decreasing" Page's removal, and such action is very unlikely, although Reilly has gone to Cayo Cristo, the President's summer residence, hoping to carry his point.

Lagueruela attempts to justify his action on the ground that the civil service law is in nowise applicable to the case. The Havana press of all complexions is greatly stirred up. The *Diario de la Marina*, a government partisan, says: "Although we must not forget that we were tutelage, our tutors must not go too far, for desperation, even of a weak people, can give much trouble."

PERSIA FREEDOM DOOED

ENGLAND AND RUSSIA WILL RULE THE SHAH'S REALM.

Present Ruler May Be Deposed or Killed, But His Fate Matters Little—An Ignorant Despot, Says Mesrop Notvan Khan—Political Complications Ahead.

One of the best informed men on Persian affairs in New York is Col. Mesrop Notvan Khan, former secretary of the Persian Legation in Washington and at one time aide-de-camp of the late Shah, father of the present ruler of Persia. In speaking last evening of the Persian upheaval Col. Notvan said:

"The present difficulties in Persia illustrate one very salient fact, and that is that Mohammedanism as a political agent is a failure. We see it in Morocco, Tunis, Egypt and now in Persia. This revolt means that the independence of Persia seems to be doomed."

"After the Russian-Japanese war Russia became tractable and she and England divided Persia up into 'spheres of influence.' Russia taking the north and England the south. For more than a year the Turkish troops have been in the western part of Persia. They moved right in and have ruled there ruthlessly. I look for no conflict between them and the Russians at present, although the Russian forces are moving down to Teheran, ostensibly in the interest of peace and protection of Russian commerce."

"The Russians will probably wait until the Turks find themselves tied up in political and military operations elsewhere and then will politely invite them to move out of Persia—which they may do."

"The present Shah is really ignorant. He has had no education except in his father's palace. He speaks a little French and he understands Russian. He has been educated in the Koran and that is all. He has inherited natural ability. His mother was a commoner, the daughter of a man who was once Prime Minister. His brothers are the sons of Prince Mirza, who has always been a family feeling and more or less intrigue on account of that. He may be deposed and his son may rule nominally. The son is a bright young man, but he is only a nominal sovereign. The Shah has been a governor nearly all his life and is arbitrary by nature."

"When the troubles arose over the constitution and it was abrogated the outlying provinces wouldn't have it. Previous to that these provinces had sent in complaints about their local and provincial rulers who had been ruling arbitrarily and often cruelly, and these were removed. They all came to Teheran and they surrounded the Shah."

"Instead of listening to the good advice of the foreign Ministers about constitutional government and making the best of things, the Shah listened to the army officers and let them have their way in the doings of the ignorant Parliament. The members were unfit to rule over the country. The people knew nothing of representative government."

Parliament annoyed the Shah by interfering with his prerogatives and meddling with the finances. Before that time the Shah had his own finance minister. He retook the title of the kingdom. He has the revenue that he liked for himself, and if there was anything left over he paid salaries to his Government agents. He let them have the money for the handling of the money interfered with, and he listened to the malcontents."

"The Shah has never had an army. The Turkish army has nearly disappeared from the Persians. The so-called Cossacks are simply a brigade of Persians in Teheran, wearing uniforms like the Russian Cossacks, and hence the name. They have Russian officers also. Outside of this force at Teheran the Shah's army is on paper. His Cossack force is now outside Teheran and is not a fighting force. It is practically a non-entity."

"It would therefore seem probable that the present Shah will be deposed. He will be killed. He will be a few days of independence are over. Commercially, and from the standpoint of civilization it may be a good thing. From the standpoint of view it may be a bad thing. The complications of the present situation are already in control of Tabriz, which is really the most important city of Persia. The force that has been sent to take Tabriz is largely from Baku, in the Russian oil fields by the Caspian Sea."

"On some accounts it is fortunate that the Russian army is not in Teheran, which consist chiefly of the Bakhtiari tribe from the south and west, arrived there first. The Shah is probably at his summer palace at Sahar, 200 miles from Teheran. He has been there for some time. He can do nothing there. The reform element is in the saddle. It is not offending the foreign Powers. It is trying to restore order and civilization."

"Russia and England will really rule, and the complications will come when Turkey is invited to move out of the West. The Russian army is in Persia. This must come to an end, and it means, as I have said, the doom of the Persians as an independent people."

MISS NISS LIKELY TO DIE.

Schooner Captain to Be Tried for a Near Disaster in Hawaiian Waters.

Special Cable Dispatch to THE SUN.

HONOLULU, July 14.—A warrant was issued to-day for the arrest of Capt. F. Tollefson of the power schooner Rainbow on a charge of manslaughter under the Federal statute used by the prosecution in the Slocum disaster case. The Rainbow was carrying twenty-five children and several women belonging to an excursion party when it capsized off Molokai Island and sank. All on board were saved, but one woman died of shock.

It is charged that the Rainbow was unprovided with proper life saving apparatus and life preservers.

GUARD WAINMAN.

Japanese Laborers in Hawaii Forming an Anti-Strike Association.

Special Cable Dispatch to THE SUN.

HONOLULU, July 14.—Extra police are guarding the Waimanalo sugar plantation to head off any possible attack by Japanese strike agitators.

The laborers here are forming an association to share profits and oppose strikes.

JAPANNING COREA.

Judicial Authority to Be Transferred and New Bank Established.

Special Cable Dispatch to THE SUN.

TOKYO, July 14.—It is stated that a new agreement is pending by which judicial authority in Korea will be transferred to Japan.

A new central bank in Korea will be established. It is confirmed that the Korean Ministry of War will be abolished.

AMERICANS WED IN LONDON.

Special Cable Dispatch to THE SUN.

LONDON, July 14.—Samuel S. Pierce of Colorado Springs, Col., was married to Miss Margaret, daughter of Roswell P. Anderson, to an American girl, Margaret, daughter of Roswell P. Anderson.

STABER INQUEST HELD.

Dead Woman's Son Says Both Crooks Fired Shots in the House.

Coroner Brewer of Brooklyn held an inquest yesterday as to the killing of Mrs. Sophia Staber, who was shot last Thursday morning when burglars broke into the Staber home at 455 East Eighteenth street, South Brooklyn. The jury returned a verdict that Mrs. Staber met her death as the result of a pistol shot wound in the chest inflicted by Carlo Giro and John Schmidt.

Edward A. Staber, the dead woman's son, told how he was aroused by the burglars' noise. He saw the burglars enter the house and grappled with Giro until he forced the burglar into the bathroom, and how Giro fired at least one shot, wounding Mrs. Staber in the chest. He was not sure whether Giro or Schmidt discharged his revolver several times.

\$80,000 Inheritance Tax on Booth Estate. ALBANY, July 14.—State Comptroller Gaus to-day received \$80,000, the amount of the inheritance tax on the estate of Henry P. Booth, who died in New York city last January.

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BOYS DO UP A HOLMES MAN.

The Fourth One on the Block Is Wounded—Five Arrests.